THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26078 of 2005

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DATED 07.12.2005

Between:

M/s. Sri Balaji Timber Depot & Saw Mill,

D.No.13.06.432/36, Srinivasanagar RingRoad, Mehadipatnam, Hyderabad, rep. by its proprietor Sri S.Satanarayana.

..... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Chief Secretary to Government, A.P.Secretariat, Hyderabad.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26078 OF 2005

O R D E R:

The petitioner filed this writ petition seeking a direction to respondents to continue to operate his saw mill viz., M/s. Sri Balaji Timber Depot & Saw Mill, D.No.13.6.432/36, Srinivasanagar, Ring Road, Mehadipatnam, Hyderabad and to declare the impugned show cause notice dated 05.08.2005 issued by the

third respondent as illegal and arbitrary.

The petitioner submits that the licence granted to his saw-mill was renewed by the third respondent in Form-II upto 31.12.2006. While so, the third respondent issued impugned show cause notice dated 05.08.2005 in Rc.No.77/S14/2003, stating that no State Government or Union Territory of India will permit the opening of any Saw Mill Veneer or Plywood Industry without prior permission of the Central Empowered Committee and the Chief Secretary of each state will ensure strict compliance of this direction and directed the petitioner to show cause as to why his licence dated 21.07.2003 shall not be cancelled within ten days from the receipt of notice. Hence the writ petition.

Learned counsel for the petitioner submits that it is not the case of opening a new saw-mill, but running the existing saw-mill and it does not prohibit the existence of a new saw-mill, if it is situated outside the prohibited area. He further submits that the petitioner made representation on 17.08.2005 to the third respondent on receipt of the impugned show cause notice and so far, the said representation has not been disposed of. Since the said representation is pending with the third respondent, the petitioner cannot be prevented from operating his saw mill.

Having regard to the fact that the representation is pending with the third respondent, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to consider and dispose of the representation of the petitioner dated 17.08.2005. Till then, the petitioner shall not be prevented from operating his saw-mill.

The writ petition is accordingly disposed of. No order as to costs.

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07.12.2005

Note:Furnish copy within three days

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